

Perchlorate BMP Workshop

Best Management Practices
September 23, 2005

Chapter 33.

Management of Perchlorate Materials

- Strawman language incorporates comments received from the August 19th workshop.
- Draft language will be developed based on comments received as a result of today's workshop and all previous comments. Comments must be submitted by October 7th
- Draft language will be the subject of a workshop scheduled for November 1, 2005.

§ 67384.2 Applicability

(a) As of July 1, 2006, perchlorate materials shall comply, except:

- Hazardous wastes;
- Contaminated media under CalEPA order;
- Materials with less than six (6) parts per billion (ppb);
- Products manufactured in California prior to 1/1/06
- Food and pharmaceuticals.

§ 67384.2 Applicability Continued

OPTIONS:

- Exempt other cleanups?
- Exempt pyrotechnic ashes?
- Exempt hypochlorite solutions?
- CUPA/DTSC may authorize site specific variances?
- Exempt law enforcement agencies?
- Exempt requirements that affect national security?
- Exempt specific uses if required by federal law?

§ 67384.3 Definitions

- List of definitions in handout

§ 67384.4 Labeling requirements for Perchlorate Materials

(a) “Perchlorate Material – Environmental Hazard – special handling and disposal restrictions may apply, See www.dtsc.ca.gov/perchlorate” label required except for:

- Household waste;
- Hypochlorite solutions;
- Perchlorate materials at a location where all personnel are trained in perchlorate BMP requirements;
- Perchlorate materials accompanied by a Material Safety Data Sheet that includes perchlorate Best Management Practices.

§ 67384.5 Packaging requirement for perchlorate materials

- (a) Each package of perchlorate material shall be:
- durable; and
 - water-resistant.

OPTIONS:

- Should an appendix listing equivalent packaging standards be included?

§ 67384.6 Containment requirements

(a) Perchlorate materials not packaged as specified in section 67384.5, shall be contained in weather resistant structures with floors that are:

- Compatible, water-resistant, devoid of drains; and of adequate strength.

(b) Except for:

- Hypochlorite solutions; and
- Display fireworks with personnel trained in BMPs.

OPTIONS:

- Exempt consumer commodities?
- Exempt consumer goods is quantities less than 500 lbs?

§ 67384.7 Notification requirements for perchlorate materials

Business managing perchlorate materials shall by January 1, 2007 notify of perchlorate activities.

OPTIONS:

- Exempt only households, but not small quantity business handlers less than or equal to 500 pounds.
- No notification; requirement and rely only on reporting.
- Eliminate the BMP notification requirement, the reporting requirement, and recordkeeping requirements for perchlorate materials and rely only on business plans for hazardous materials.

§ 67384.8 Reporting requirements for perchlorate material

Business managing perchlorate materials shall by January 1, 2008 submit report.

OPTIONS:

- Limit reporting requirement to manufactures/ users of specific perchlorate materials/products (propellant, pyrotechnics, fertilizer, flares, fireworks, laboratory reagents, commercial explosives, and blasting agents, etc)?
- Exempt households and small quantity business (less than 500 pounds, swimming pools, and water treatment systems)?

§ 67384.9 Special Management for perchlorate materials

- (a) Road safety flares shall be used in a specified manner.
- allowed to burn completely;
 - replace caps on extinguished flares;
 - water used to douse flares shall be collected and disposed with wet flares;
 - partially burned flares collected asap;
 - protect uncollected flares from water.;
 - collect flares in compatible container;
 - manage waste flares as hazardous waste;
 - use flares with burn time matched to need ;and
 - train personnel in perchlorate BMP requirements.

§ 67384.9 Special Management Continued

- (b) Waste marine safety flares shall be managed as a hazardous waste.
- (c) Solid residuals of display fireworks within the expected fallout area shall be collected.
- (d) Handlers of non-hazardous perchlorate materials:
 - Shall contain all releases;
 - Shall determine if material resulting is hazardous waste
 - Shall collect released material;
 - Shall decontaminate the spill area; and
 - Should prevent or minimize releases to storm sewers.

OPTIONS:

- Promote collection of consumer fireworks by household hazardous waste collection centers?

§ 67384.10 Discharge/Disposal Restrictions for perchlorate materials

- (a) Disposal of solid non-hazardous perchlorate containing waste to hazardous waste landfill, or composite-lined non-hazardous waste landfill.
- (b) Disposal of non-hazardous liquid perchlorate containing waste to:
 - a publicly owned treatment works (POTW) with concurrence of POTW ; or
 - in accordance with a waste discharge requirement or National Pollutant Discharge Elimination System (NPDES) permit issued by a Regional Water Quality Control Board.

§ 67384.10 Discharge/Disposal Restrictions Continued

OPTIONS:

- Require leachate and groundwater monitoring for perchlorate at landfills.
- Require monitoring for perchlorate for discharged under a permit issued by a Regional Water Quality Control Board.
- Require POTW to monitor effluents for perchlorate.
- Exempt agricultural uses when applied to land (contaminated water, fertilizers, etc.)
- Exempt household waste

§ 67384.XX Perchlorate Restrictions

- (a) Businesses that use perchlorate-containing fertilizer, road safety flares, commercial explosives, or commercial blasting agents shall submit a Product Alternatives report and a description of pollution prevention measures taken.
- (b) Businesses that use perchlorate-containing display fireworks, pyrotechnics, or solid rocket motor in amounts greater than 100 pounds in one month shall submit environmental monitoring results.

Timeline

- Public workshops August 19, 2005
September 23, 2005
November 1, 2005
- OAL submittal December 1, 2005
- Implementation date December 31, 2005

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